

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #16	CCRB Case #: 202105115	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/26/2021 10:34 PM	Location of Incident: Inside 59th Street Columbus Circle Subway station on the mezzanine level	Precinct: 18	18 Mo. SOL 2/26/2023	EO SOL 2/26/2023	
Date/Time CV Reported Fri, 08/27/2021 11:54 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/27/2021 11:54 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicholas McKeever	25164	950867	TB ATU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Randy Vasquez	09434	958146	TB ATU

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas McKeever	Discourtesy: Police Officer Nicholas McKeever spoke discourteously to § 87(2)(b)	

### Case Summary

On August 27, 2021, § 87(2)(b) filed this complaint with the CCRB online.

On August 26, 2021, at approximately 10:34 PM, § 87(2)(b) was inside the 59<sup>th</sup> Street Columbus Circle Subway Station in Manhattan waiting for a train when he saw Police Officer Nicholas McKeever and Police Officer Randy Vasquez, both of the Transit Bureau Anti-Terrorism Unit, on the train platform. The officers were not wearing facemasks § 87(2)(g) so § 87(2)(b) took a picture of them on his cell phone. After § 87(2)(b) took the photo, Police Officer McKeever allegedly said, “Asshole” (**Allegation A: Discourtesy**, § 87(2)(g)). § 87(2)(b) left. No civilians were arrested or summonsed.

§ 87(2)(g)

§ 87(2)(b) provided four photos and four videos that he took on his cell phone during the incident, which are attached in IA #49 (**BR 04**) and are summarized in IA #53 (**BR 05**).

### Findings and Recommendations

**Allegation (A) Discourtesy: Police Officer Nicholas McKeever spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated (**BR 06**) he saw Police Officer McKeever and Police Officer Vasquez standing on the subway platform and neither officer was wearing a face mask. § 87(2)(b) approached the officers and took pictures of them because the rules state that everyone must wear a face mask inside the train station. Police Officer McKeever was on his phone either watching a video or scrolling through videos. As § 87(2)(b) walked away, Police Officer McKeever said, “Asshole.” § 87(2)(b) asked Police Officer McKeever if he just called him an asshole and Police Officer McKeever said he was referring to something on his phone. § 87(2)(b) did not see or hear specifically what Police Officer McKeever was looking at on his phone. § 87(2)(b) left.

Police Officer McKeever (**BR 08**) and Police Officer Vasquez (**BR 07**) both stated they had no independent recollection of an interaction with § 87(2)(b). Police Officer McKeever denied referring to § 87(2)(b) as an asshole and stated he did not recall using any profanity on the date of the incident. Police Officer Vasquez had no recollection of Police Officer McKeever using any profanity and stated Police Officer McKeever did not say, “Asshole” during the incident.

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to five CCRB complaints and has been named as a victim in four allegations (**BR 01**).
  - § 87(2)(b)
- Police Officer Nicholas McKeever has been a member of service for 10 years and has been a subject in one CCRB complaint and five allegations.
  - 202003167 involves substantiated allegations of force and untruthful statement against Police Officer McKeever, for which the Board recommended charges and the NYPD has not yet imposed discipline.

§ 87(2)(g)

## Mediation, Civil, and Criminal Histories

- § 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 16

Investigator:                      Inv. Dean                                      Inv. Dean                                      5/10/22                  
Signature      Print Title & Name      Date

Squad Leader: Patrick Yu IM Patrick Yu 05/13/2022  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
-----------	--------------------	------